Remarks/Arguments

With regards to the drawings, Fig. 13 has been added to more clearly show the interchangeable aspect of the syringe guide members. Different syringe guide members accommodate different sizes and types of syringes. This is more clearly shown in Fig. 13. Different syringe guide members are shown in Fig. 13 which accommodate different syringes. Fig. 14 is added showing the box section holding the vial from a different view to show how the vial might be further restrained in addition to the contours of the oversized box. A similar additional restraint may seen in Fig. 4 at the front of vial box (60) holding a medicine vial (62). Also shown in Fig. 15 is retainer (27) affixed to lid (24). Retainer (27) retains syringe (12) when lid (24) is closed after syringe (12) is inserted into guide (18).

Examiner states that the specification does not provide proper antecedent basis for "means for holding" as recited in claims 1 & 27 and for "means for retaining" as recited in claim 3. The part of the detailed description in the specification that refers to Fig. 1 has been amended to more clearly indicate what is considered the means for holding for purposes of this invention. Applicant was required by Examiner to select a specie as defined by Examiner. Applicant chose the embodiment illustrated in Fig. 1. However, the other embodiments illustrated in Fig.'s 2 - 12 also have similar means of holding.

In reference to Fig. 2, lines 225 - 227 of the application specification reads "The apparatus (30) has a vial box (32) for holding a vial (34) and a revolving syringe guide member (36) rotatably attached to the vial box (32)." In reference to Fig. 4, lines 243 - 244 of the

specification reads "Fig. 4 illustrates an embodiment wherein a vial box (60) holds a medicine vial (62) with the vial box (62) being able to interlock with a syringe guide (64)." Also, at lines 223 - 225, the specification reads "Fig.'s 5, 6 & 7 show an embodiment similar to the preferred embodiment wherein a sectioned box (72) holds a medicine vial (74) to which a syringe (76) is guided by changeable syringe guides (78)." Fig.'s 8 - 12 show the box that holds the medicine vial from the end where a repositionable syringe guide fits into the holder to guide the syringes to the vial, and so the holder section of the box is not obvious in those figures, but the specification does in several instances discuss and show the means for holding the medicine. As noted above, the specification has been amended to make that more clear in the text referencing Fig. 1.

With regard to "means for retaining", at lines 201 - 203 the specification reads "On the changeable syringe guide member (18) are syringe retainers (20) which keep the syringe (12) engaged in the vial (14) while filling the syringe (12)." This is amended in the specification to read "which retain the syringe" in the inserted paragraph. At lines 211 - 212, the specification reads "Turning the syringe (12) would engage tabs (22) on the syringe (12) into the syringe retainers (20)." That sentence indicates how the syringe retainers (20) would be engaged by tabs (22) on the syringe. In as much as elements (20) in Fig. 1 are called syringe retainers in the specification, Applicant respectfully submits that the specification provides proper antecedent basis for the phrase "means for retaining" in Claim 3.

Examiner rejects claims 1-5, 8, 9, 13-17, 27, 39, and 40 as being indefinite. In particular, Examiner refers to claim 1 which has the element of "one or more interchangeable syringe

guides" and notes that Fig. 1 shows only one syringe guide. For the purposes of illustrating and more clearly showing in the drawings the claim elements of the invention Fig. 13 has be added. Fig. 13 shows more than one syringe guide member separate from the portion holding the vial. Also, Fig. 13 illustrates the different syringe guide members adapted to different syringe sizes and types. It is this interchangeability of the syringe guides members interacting with the vial holder that is a significant aspect of what is being claimed.

Examiner also states claim 2 has no detailed support in the specification for "said means is capable of holding different sizes of medicine vials". The segmented box (16) of Fig. 1 has a chamber which is larger than medicine vial (14) and could hold a larger vial, and the same is true in Fig. 2 and Fig. 5, while Fig. 4, and new Fig.'s 13 and 14, show a medicine vial essentially filling the box holding it. The specification has been amended to call attention to the extra space in the box portion holding the vial in Fig. 1. Fig. 14 shows means of restraining medicine vial (14) within the box, similar to that shown in Fig. 4. The capability of the means of holding different sizes of medicine vials lies in the generous size of the box. The specification has been amended in the detailed description to more clearly explain this.

Examiner rejects claims 1-5, 8, 13, 14, 27, and 40 as being anticipated by Tetreault, U.S. Patent 5,247,972. Applicant respectfully submits that Examiner has misconstrued the present invention and the invention disclosed in Tetreault. Examiner cites the housing **10** of Tetreault as a means for holding a medicine vial. Yet, nowhere in Tetreault is housing **10** characterized as holding a medicine vial. Rather, housing **10** is formed to accept inner tube **20** which comprises

both a syringe guide member with inner bore **27** and a means of holding the medicine vial with a plurality of finger-like protrusions **30**. It is the finger-like protrusions **30** in Tetreault that retain the medicine vial and there is no indication in Tetreault that a medicine vial could be retained in housing **10** without the presence of inner tube **20**. The specification in Tetreault notes at column 3, lines 1-2 that various sized inner tubes **20** may be accommodated by housing **10**. However, changing an inner tube **20** would also change the finger-like protrusions **30** holding the medicine vial. Syringe guide members which are separable from the means of holding the medicine vial is an element not present in Tetreault.

MPEP §2131 requires that to anticipate a claim, the reference must teach every element of the claim. It further states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The inner bore **27** and finger-like protrusions **30** of the Tetreault reference's inner tube **20** are rigidly integral with each other. Contrary to examiners statement that all elements are disclosed in the Tetreault reference, one or more interchangeable syringe guides operably associated with a means for holding a medicine vial is not present; the rejection is unsupported by this reference and should be withdrawn.

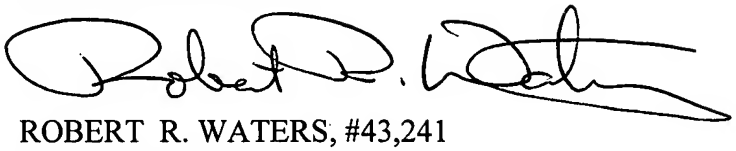
Examiner rejects claims 1-5, 8, 13, 16, 17, 27, and 39 as being anticipated by Larrabee, U.S. Patent 3,993,063. Examiner states that the Larrabee reference discloses an interchangeable syringe guide, or shield, as that reference labels it. While the syringe shield is removable,

Applicant finds no reference to multiple interchangeable syringe shields. Examiner also states that the syringe guide/shield is capable of accommodating syringes made of plastic, metal, and glass and indicates this as a different type of syringe. MPEP §2131 requires that to anticipate a claim, the reference must teach every element of the claim. It further states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Contrary to examiners statement that all elements are disclosed in the Larrabee reference, an ability to handle different sizes of syringes is not; the rejection is unsupported by this reference and Applicant asks that it be withdrawn.

In addition to the above mentioned defect in the Larrabee reference, it is non-enabling with respect to accommodating syringes of different sizes. Nowhere does the reference teach how the device might cope with different sizes of syringes. As held in Paperless Accounting, Inc. v. Bay Area Rapid Transit System, 804 F.2d 659, 665 231 USPQ 649 653 (Fed. Cir. 1986): "[A] § 102(b) reference must sufficiently describe the claimed invention to have placed the public in possession of it.... [E]ven if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it was not enabling...." The Larrabee reference is non-enabling and, again, Applicant asks that it be withdrawn.

The Applicants hereby respectfully ask that the Application be amended as shown and approved for advancement and allowance.

Respectfully submitted,



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Amendments to the Drawings:

Three new sheets have been added. These sheets contain Fig. 13, Fig. 14, and Fig. 15.

Reference to the figures have been made in the amended specification.

Attachments: Three New Sheets